

REMARKS

Amended and new claims are presented. Reconsideration and allowance are requested.

Based on the pre-appeal brief, the Examiner withdrew the obviousness rejection of claims 1-5, 7, 9-16, 18, and 20 based on Henon and Jensen. In the most recent office action, these same claims stand rejected for obviousness based on Henon and newly-applied Austin (20030162544). This rejection is respectfully traversed.

Henon Transfers the Call from the Mobile to the Wireline Phone. In Henon, it is assumed that a call with the mobile is currently in progress. The wireline phone is not involved in the call yet. The mobile wants to transfer the call to the wireline phone and asks for the telephone number of the wireline phone over a Bluetooth wireless link. The wireline phone responds by sending its wireline telephone number. Thereafter, the mobile provides the wireline telephone number to the mobile network and asks that the call be set up with the wireline phone via the wireline network. As a result, the mobile network transfers the call via the wireline network in the conventional way from the mobile to the wireline phone. The user answers the call on the wireline phone and then hangs up the call on the mobile. Henon's purpose in transferring the call from the mobile to the wireline phone is to conserve the mobile's battery by not having the mobile involved in the call once the transfer is complete.

In the rejected claims, by contrast, the call is not transferred from the mobile to the wireline phone. Nor is a wireline connection established as Henon requires. Instead, the call is made through the mobile. If the battery runs out, the call is dropped. But on the other hand, there is no need for a wireline connection in the claimed arrangement or method. Hence, the claims are directed to a very different objective than Henon's, and that objective is achieved by different technical features than Henon uses.

The Wireless Link in Henon Is Only Used to Obtain Call Transfer Information.

Henon only uses the Bluetooth link (a short range wireless link) to query the wireline phone for its phone number. The call content itself is never sent over that link. Thereafter, the mobile's involvement in the call and any link between the mobile and the wireline phone are ended.

Henon clearly explains these points in the summary of the invention section quoted below (1:56-2:12; emphasis added):

In-progress call transfer between a wireless telephone and a wired telephone is effected using a short-range wireless communication link between the devices. Each of the devices are provisioned to include a short-range radio or infrared transceiver so that the devices can communicate with each other over the short-range wireless communication link, preferably using a given short-range wireless protocol. A preferred short-range wireless protocol is Bluetooth, although any convenient protocol may be used for this purpose. When the wireless telephone's battery is almost exhausted, or for any other reason that the user may desire, the wireless telephone requests the wired telephone's phone number by communicating with the wired telephone over the short-range wireless communication link. Upon receipt of the wired telephone's phone number, the wireless telephone issues a call transfer request to a cellular base station, passing the wired telephone's phone number. The base station and the network then re-route the call to the wired telephone. When the user (or another) places the wired telephone off-hook, the in-progress telephone call is connected to both the wireless telephone and the wired telephone. **The user may then disconnect the call from the wireless telephone [i.e., the mobile phone], for example, by going on-hook.** The telephone call transfer is then complete.

Henon Lacks the Claimed Call Path Between the Wired and Mobile Phones.

Independent claim 1 recites: "the stationary terminal is arranged to communicate over the mobile radio telephony network via the mobile radio telephone." Independent claim 7 recites: "communicating by the stationary telephony terminal over the mobile radio telephony network via the mobile radio telephone." Such a call path is not established in Henon via the mobile

phone. In Henon, the call path is either with the stationary wireline phone or with the mobile phone, but not both. When the call is transferred in Henon to the stationary wireline phone, the call to the mobile is ended. Henon's mobile is never a "via" or conduit for the call involving the stationary wireline phone.

Other Clear Evidence of Non-obviousness. In addition to missing claim elements, further indicia are present that demonstrate non-obviousness. First, Henon *teaches away* from claims 1 and 7. In column 1, lines 18-21, Henon teaches: "those who use cellular telephones often find themselves cut off or dropped in the middle of a wireless call for any number of reasons, such as battery loss, network connection problems, or the like." Claims 1 and 7 suffer from this very problem that Henon explicitly wants to avoid. Using a mobile phone as a conduit for a call with a stationary wireline phone is the very type of thing Henon warns against.

Second, in the claimed approach, the stationary wireline phone lacks a wired connection to a fixed telephone network. Henon's system would not work without such a wired connection. Indeed, the call cannot be transferred to the stationary wireline phone without a wired connection. Thus, a modification to Henon to make it more like what is claimed not only is not consistent with Henon's teachings, it renders Henon inoperable for its intended purpose—another clear indicia of non-obviousness. See, for example, *In re Fritch*, 972 F.2d 1260, 1265-1266 (Fed. Cir. 1992).

Missing Claim Features From the Independent Claims. Amended claim 1 recites:

wherein the stationary telephony terminal and the mobile radio telephone each have a short range transceiver for intercommunication via a short range wireless communication link;

wherein the stationary terminal or the mobile radio telephone is arranged to establish a speech channel over the short range wireless communication link; and

wherein the stationary telephony terminal is arranged to communicate speech over the mobile radio telephony network via the mobile radio telephone with another telephone including to transmit and receive speech signals over the speech channel established over the short range wireless communication link.

Amended claim 7 recites:

intercommunicating via a short range wireless communication link between the stationary telephony terminal and the mobile radio telephone;

establishing a speech channel over the short range wireless communication link;

communicating speech to and from the stationary telephony terminal over the mobile radio telephony network via the mobile radio telephone with another telephone including transmitting and receiving speech signals over the speech channel established over the short range wireless communication link

New claim 21 recites:

intercommunicating via a short range wireless communication link between the stationary telephony terminal and the mobile radio telephone, where the short range wireless communication link is separate from the radio link;

establishing a speech channel over the short range wireless communication link for carrying speech signals between the stationary telephony terminal and the mobile radio telephone; and

communicating speech to or from the stationary telephony terminal over the mobile radio telephony network via the mobile radio telephone with another telephone communicating with the radio telephony network, said communicating including transmitting and receiving speech signals over the speech channel established over the short range wireless communication link.

These claim features are missing in Henon and in Austin. Austion was cited to teach generating a ring signal. The generating a ring signal has been removed from independent claim

1 and included as a new dependent claim 25. Neither Henon nor Austin teach conducting a speech call between another telephone and a mobile radio telephone using at a stationary phone communicating via the mobile radio telephone. This arrangement is accomplished by communicating speech associated with the call over a short range wireless communication link between the stationary telephony terminal and the mobile radio telephone. In other words, communicating the speech associated with the call connection involves the stationary telephony terminal, the mobile radio telephone, the short range wireless communication link, and the another telephone.

Other Missing Claim Features. Henon does not teach the claimed sequence of signals recited in claim 7 and reproduced here for convenience:

- sending, **from the stationary telephony terminal**, discovery signals over the short range wireless communication link;
- receiving in the mobile radio telephone said discovery signals;
- sending response signals from the mobile radio telephone;
- receiving in the stationary telephony terminal the response signals; and
- sending a mobile identification signal from the mobile radio telephone, and thereafter, generating a ring signal at the stationary telephony terminal to indicate an incoming call.

Henon's mobile sends a phone number request requesting the wireline phone's telephone number. The wireline telephone replies with its wireline telephone. Then the mobile sends the call transfer request. See 3:62-4:8. This is the opposite from the steps quoted from claim 7 above where it is the stationary wireline telephone—not the mobile—that sends the initial

ANDREASON
Appl. No. 09/898,480
May 22, 2007

request message. In addition, Henon does not establish a speech channel on the Bluetooth link between the stationary wireline telephone and mobile, as recited in claim 16.

In claim 18, the telephone number that is transmitted is a number that the user wants to call which has been keyed on the keypad, whereas in Henon, the number which is transmitted is the number of the stationary telephone itself, thus not a number which has been taken on the stationary terminal. Henon has no need to transfer a number to be called from the stationary terminal to the mobile, since Henon is concerned with transferring an existing call from the mobile to the stationary terminal. Henon's stationary telephone has a wired connection, so there is no need to connect an outgoing call via the mobile.

The application is in condition for allowance. An early notice to that effect is earnestly solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



John R. Lastova
Reg. No. 33,149

JRL:maa
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100